

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-5, 12-14, 50, 52, 73, 74, 82, 84, 86, 88-91, 102, 104-108, and 110-125 are presently active in this case. The present Amendment amends Claims 1, 4, 5, 12, 73, 82, 84, 86, 88, 90, 104, 110 and 118, and cancels Claims 6-11, 15-49, 51, 53-72, 75-81, 83, 85, 87, 92-101, 103, 109 and 126-135.

The outstanding Office Action rejected Claims 1-5, 12-14, 50, 52, 73, 74, 82, 84, 86, 88-91, 102, 104-108 and 110-125 under 35 U.S.C. 103(a) as being unpatentable over Hull et al. (U.S. Patent No. 5,806,005, hereinafter Hull) in view of Andersion (U.S. Patent No. 6,094,221).

Claims 56, 57, 64 and 65 were allowed and Claims 103, 109 and 126-135 were indicated as allowable if rewritten in independent form. Applicant acknowledges with appreciation the indication of allowable subject matter. In response, Applicant cancels claims 56, 57, 64, 65, 103, 109 and 126-135 and has filed a continuation application (Serial No. 10/941,825) including those claims.

Applicants also recognizes that the Advisory Action of April 5, 2005 indicates that the Amendment filed September 22, 2004 has been considered, but does not place the case in condition for allowance. In particular, the Advisory Action indicates that Hull uses GPS data to be included with each image and location data is acquired on the basis of the picture data. The Advisory Action recognizes that no time stamp is disclosed in Hull, but asserts that the use of time stamping is notoriously well known, as is evident from Andersion.

In response to the rejection under 35 U.S.C. 103(a), and the remarks in the Advisory Action, the independent claims have been further amended, Applicants respectfully request reconsideration of this rejection as discussed next.

Briefly recapitulating, Applicant's invention, as recited in independent Claim 1, relates to an information processing apparatus adapted to exchange information with another information processing apparatus. The apparatus includes means for capturing information including at least time information that corresponds with a time at which a predetermined content was broadcast from a broadcast source. The apparatus further includes *acquisition* means for acquiring information associated with the content and information stored in the memory means on the basis of the information stored in the memory means. Independent Claims 4, 5, 12, 73, 82, 84, 86, 88, 90 and 118 also recite, or are amended to recite, a similar feature.

The language added to amended Claim 1 further clarifies that the information captured is at least time information, and that time information corresponds with a time at which a predetermined content was broadcast from a broadcast source. The acquisition means then acquires information associated with the content and the information stored in the memory means on the basis of the information stored in the memory means. These features offer substantial advantages over conventional devices. In particular, by capturing information that includes at least time information at which a predetermined content was broadcast from a broadcast source allows a user to conveniently record the time information contemporaneously when a broadcast is made. Furthermore, the user is not in control of the content that is being broadcast, and therefore needs to have a convenient way to record some information (in this case, at least time information) associated with the content that is

broadcast. This time information is recorded in isolation (i.e., not stored with the content). Therefore, recording of the time information is not a conventional time stamp.

Turning now to the applied prior art, Hull discloses a portable image transfer system with a digital still camera which captures images in digital form and stores the images in a camera memory, a cellular telephone transmitter, and a central processing unit (CPU). The CPU controls the camera memory to cause it to output data representing an image and the CPU controls the cellular telephone transmitter to cause a cellular telephone to transmit the data received from the camera memory. A receiving station is coupled to the cellular telephone transmitter by a cellular network to receive image data and store the images.

As acknowledged by the outstanding Office Action, however, “Hull fails to disclose time information.”<sup>1</sup> The outstanding Office Action argues that “the use of a time stamp in a camcorder was a notoriously well-known feature at the time of the invention, as exemplified by Anderson, where it is stated that a time-stamp was a part of a typical digital camera at the time of the invention.”<sup>2</sup>

Comparing amended Claim 1 with Hull in view of Anderson, amended Claim 1 requires that the capture means captures information including the at least time information, where the time information corresponds with a time at which a predetermined content was broadcast from a broadcast source. Hull uses a camcorder, and therefore the user of the camcorder in Hull has complete control over the content that is actually being recorded. In Hull, there is no broadcast source; and, furthermore, Hull stores the content. This is substantially different than where the content is broadcast from a broadcast source, where the user has no control over what information is being broadcast, nor any information regarding the content of the broadcast. Moreover, in the camcorder of Hull, the user has complete

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<sup>1</sup> Outstanding Office Action at page 2, line 4 from the bottom.

<sup>2</sup> *Id.* at lines 1-4 from the bottom.

control over what is recorded, while in the presently claimed invention, the content is not recorded, but, rather, information about the time when the broadcast was made. Without any other features of the system, it would not be possible to retrieve information about the content using only the recorded time information.

The outstanding Office Action attempts to cure the deficiencies of Hull by asserting that Andersson attaches a time-stamp as part of a typical digital camera at the time of the invention.

Both Hull and Andersson are directed to situations where an operator is in control of the subject matter of the recording. Simply by adding a time stamp to a digital camera, neither teaches nor suggests the feature of capturing time information at which a predetermined content was broadcast from the broadcast source, and then subsequently acquiring information associated with that content on the basis of the information stored in the memory. Moreover, an advantage of the present invention is that it allows a user to merely record a time (as an example) when the user is listening or viewing a particular broadcast content and then based on that recorded time, subsequently performs a search to identify the content that was being broadcast at that time. It is respectfully submitted that neither Hull nor Andersson teach or fairly suggest this feature of the presently claimed invention. As a consequence, it is respectfully submitted that amended Claim 1 patentably defines over the asserted prior art.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-5, 12-14, 50, 52, 73, 74, 82, 84, 86, 88-91, 102, 104-108, and 110-125, as amended, is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

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